

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILEDIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

September 13, 2024

LAURA A. AUSTIN, CLERK

BY:

/s/T. Taylor
DEPUTY CLERK

JIMMY DEAN MCCORMICK,

Plaintiff,

v.

MACK EARNEST HORN and
JANICE L. DAVIS

Defendants.

Civil Action No. 7:24-cv-00507

MEMORANDUM OPINIONBy: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Jimmy Dean McCormick, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By Order entered August 6, 2024, the Court advised Plaintiff that he must notify the Court in writing immediately upon his transfer or release and provide the Court with his new address. (ECF No. 2, at 3.) The Court further advised Plaintiff that his failure to provide an updated address would result in dismissal of this action. (*Id.*)

On August 19, 2024, an order mailed to Plaintiff was returned to the Court as undeliverable, indicating that Plaintiff is no longer incarcerated at Southwest Virginia Regional Jail–Haysi and did not provide any forwarding address. (*See* ECF No. 4.) To date, Plaintiff has not provided the Court with an updated address. Accordingly, the Court will dismiss this action without prejudice for failure to comply with the Court's order. *See* Fed. R. Civ. P. 41(b). The Court notes that this dismissal is without prejudice to Plaintiff's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

The Clerk is directed to forward a copy of this Order to Plaintiff at his last known address.

ENTERED this 13th day of September, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE